

1 Hassan A. Zavareei (SBN 181547)  
2 hzavareei@tzlegal.com  
**TYCKO AND ZAVAREEI, LLP**  
3 2000 L Street, N.W., Suite 808  
4 Washington, DC 20036  
Tel.: (202) 973-0900  
Fax: (202) 973-0950

5 Jeffrey M. Ostrow  
6 ostrow@kolawyers.com  
**KOPELOWITZ OSTROW, P.A.**  
7 200 SW 1st Avenue, 12th Floor  
Fort Lauderdale, FL 33301  
Tel: (954) 525-4100  
Fax: (954) 525-4300

8 Byron T. Ball (SBN 10195)  
9 btb@balllawllp.com  
**THE BALL LAW FIRM, L.L.P.**  
10 10886 Wilshire Boulevard, Suite 1400  
11 Los Angeles, CA 90024  
Tel: (310) 446-6148  
12 Fax: (310) 441-5386

13 *Attorneys for Plaintiffs, Amber Hawthorne,  
14 Christopher Kneer, and Victoria Kneer*

15 Scott H. Jacobs (SBN 81980)  
shjacobs@reedsmith.com  
16 Kasey J. Curtis (SBN 268173)  
kcurtis@reedsmith.com  
**REED SMITH LLP**  
17 355 South Grand Avenue, Suite 2900  
18 Los Angeles, CA 90071-1514  
Tel: (213) 457-8000  
19 Fax: (213) 457-8080

20 *Attorneys for Defendant Umpqua Bank*

21 **UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

22 AMBER HAWTHORNE, CHRISTOPHER  
23 KNEER, and VICTORIA KNEER on Behalf of  
24 Themselves and All Others similarly situated,

25 Plaintiffs,

26 vs.

27 UMPQUA BANK,

28 Defendant.

Civil Action No.: 3:11-cv-06700-JST

Honorable Jon S. Tigar

**STIPULATION TO AMEND  
SCHEDULING ORDER**

1 Plaintiffs Amber Hawthorne, Christopher Kneer, and Victoria Kneer (collectively,  
2 “Plaintiffs”) and Defendant Umpqua Bank (“Defendant”), by and through their respective attorneys  
3 of record, stipulate and agree as follows:

4 WHEREAS, pursuant to the Court’s Scheduling Order (Docket No. 54), deadlines have been  
5 set for class certification motion briefing in advance of a June 5, 2014 class certification hearing.  
6 Plaintiffs’ motion for class certification is currently due to be filed on March 20, 2014, and  
7 Defendant’s opposition to that motion is currently due to be filed on April 25, 2014.

8 WHEREAS, the Parties have been working together to complete the discovery that Plaintiffs  
9 seek in advance of the proceedings on class certification. Defendant concluded its document  
10 production in October 2013. However, in light of the Court’s recent order granting Plaintiffs leave  
11 to file their Third Amended Complaint, Defendant has agreed to supplement its document  
12 production and a number of its prior interrogatory responses. Defendant is currently in the process  
13 of gathering and preparing documents for the supplemental production it agreed to provide, and has  
14 determined that a large portion of those documents are maintained in hard copy format only, making  
15 it more time consuming to gather, scan, upload, and process those documents so they may be  
16 produced in the format Plaintiffs requested. Defendant anticipates the production of a few thousand  
17 pages of documents.

18 WHEREAS, the Parties are currently in the process of finalizing dates to complete the  
19 depositions of Defendant’s representatives, which were delayed while the parties met and conferred  
20 to resolve their dispute regarding the scope of the original Federal Rule of Civil Procedure 30(b)(6)  
21 deposition notice that Plaintiffs served on Defendant. One Rule 30(b)(6) deposition was convened  
22 on December 20, 2013 on limited topics. Plaintiffs would like the opportunity to review the  
23 supplemental production that Defendant has agreed to provide in advance of taking any further  
24 depositions.

25 WHEREAS, the Parties agree that a short extension of time for Plaintiffs to file their motion  
26 for class certification is reasonable under the above-described circumstances, and that commensurate  
27 extensions should be made to the other class certification briefing deadlines.

28

1 WHEREAS, the Scheduling Order does not provide a deadline for Plaintiffs to file their reply  
 2 brief in support of class certification, and the Parties would like to set a clear deadline for Plaintiffs  
 3 to file a reply brief to remove any potential ambiguity.

4 **IT IS HEREBY STIPULATED THAT:**

5 The Parties agree, subject to Court approval, to amend the deadlines for class certification  
 6 briefing as follows:

Activity	Current Deadline	Requested Deadline
Deadline for Plaintiffs' motion for class certification	<b>March 20, 2014</b>	<b>May 7, 2014</b>
Deadline for Defendant's opposition to Plaintiffs' motion for class certification	<b>April 25, 2014</b>	<b>June 11, 2014</b>
Deadline for Plaintiffs' reply in support of motion for class certification	<b>Currently None</b>	<b>June 25, 2014</b>
Deadline for the Parties to file Joint Case Management Statement	<b>May 22, 2014</b>	<b>14 days prior to Case Management Conference</b>
Hearing on Plaintiffs' motion for class certification and further Case Management Conference	<b>June 5, 2014 at 2:00 p.m.</b>	<b>TBD by Court</b>

17 Currently, June 5, 2014 at 2:00 p.m. is the hearing date on Plaintiffs' class certification  
 18 motion and further Case Management Conference. The Parties are conscious the Court will want  
 19 sufficient time to review and analyze the Parties' class certification briefing and evidence, and that  
 20 the requested amendments to the briefing schedule may impact the Court's preparation for the  
 21 hearing. As such, the Parties respectfully request that the Court advise them of a new date and time  
 22 for the hearing and further Case Management Conference. Above, the Parties agree to file a Joint  
 23 Case Management Statement no later than 14 days prior to the Case Management Conference, which  
 24 time period is consistent with the existing Scheduling Order.

25 Pursuant to Local Civil Rule 6-2(a), attached as Exhibit A is a joint declaration in support of  
 26 this Stipulation.

1 DATED: February 28, 2014

2 KOPELOWITZ OSTROW P.A.  
3 TYCKO AND ZAVAREEI, LLP  
4 THE BALL LAW FIRM, L.L.P.

5 By /s/ Hassan A. Zavareei  
6 Hassan A. Zavareei

7 Attorneys for Plaintiffs AMBER HAWTHORNE,  
8 CHRISTOPHER KNEER, and VICTORIA KNEER

9 DATED: February 28, 2014

10 REED SMITH LLP

11 By /s/ Scott H. Jacobs  
12 Scott H. Jacobs

13 Attorneys for Defendant UMPQUA BANK

14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 DATED: March 4, 2014

16   
17 The Honorable Jon S. Tigar  
18 UNITED STATES DISTRICT JUDGE

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FILER'S ATTESTATION**

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation.

DATED: February 28, 2014

KOPELOWITZ OSTROW P.A.  
TYCKO AND ZAVAREEI, LLP  
THE BALL LAW FIRM, L.L.P.

By /s/ Hassan A. Zavareei  
Hassan A. Zavareei

Attorneys for Plaintiffs AMBER HAWTHORNE,  
CHRISTOPHER KNEER, and VICTORIA KNEER